

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: T.C. WILLGING et al.)	Examiner: John B. Walsh
)	
Serial No.: 10/721,017)	Art Unit: 2151
)	
Filed: November 20, 2003)	
)	
For: METHOD, SYSTEM, AND PROGRAM FOR)	
DETERMINING INFORMATION ON A)	
STORAGE SYSTEM IN A NETWORK)	

Sir:

Transmitted herewith in the above-identified application is an:

X Amendment- 14 pages.
X No additional fees are required

The fee has been calculated as shown below:

	Remaining After Amendment		Previously Paid For				Additional Fee
Total Claims	27	Minus	30	=	0	X50	= \$0
Independent Claims	3	Minus	3	=	0	X210	= \$0
First Presentation of Multiple Dependant Claim				=		+370	= \$0
						Total	= \$0

 Please charge Deposit Account No. 09-0466 the amount of \$ to cover the extension fee and also the amount of \$ to cover the claim fee.

X The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or any future or concurrent communication or reply, or credit any overpayment to Deposit Account No. 09-0466.

X Any filing fees under 37 CFR 1.16 for the presentation of extra claims.

X Any patent application processing fees under 37 CFR 1.17, including all required extension of time fees.

Respectfully submitted,

/David Victor/
 David W. Victor
 Registration No. 39,867
 KONRAD RAYNES & VICTOR, LLP
 315 S. Beverly Drive, Suite 210
 Beverly Hills, CA 90212
 (310) 556-7983 (voice)

Dated: April 8, 2008

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being transmitted through the USPTO EFS-Web system over the Internet to John B. Walsh on April 8, 2008.

/David Victor/
 David W. Victor

4/8/08
 Date

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Applicant(s):	T.C. WILLGING et al.	Examiner	John B. Walsh
Serial No.	10/721,017	Group Art Unit	2151
Filed	November 20, 2003	Docket No.	SJO920030048US1
TITLE	METHOD, SYSTEM, AND PROGRAM FOR DETERMINING INFORMATION ON A STORAGE SYSTEM IN A NETWORK		

CERTIFICATE UNDER 37 CFR 1.8:

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/David Victor/

David W. Victor

AMENDMENT IN RESPONSE TO FINAL OFFICE ACTION

This Amendment is submitted in response to a final office action in the above case dated January 8, 2008 (“Final Office Action”) in which the Examiner raised a new non-statutory subject matter (35 U.S.C. § 101) rejection of the claims and rejected all the claims as anticipated (35 U.S.C. § 102) over cited art. On February 28, 2008, the attorney for Applicants and the Examiner held a phone interview discussing the rejections. The Examiner agreed that the finality of the office action was improper due to the new Section 101 grounds of rejection and said that any further rejection of the claims will be in a non-final office action. The Examiner further agreed that the proposed amendments to the claims to recite a “computer readable storage medium”, which Applicants submit herein, would overcome the new Section 101 rejection. Applicants amended the claims to further distinguish over the cited art and submit that pending claims 1, 2, 4-12, 14-22, and 24-30 are patentable over the cited art and in condition for allowance for the reasons discussed herein.

Amendments to the Claims are reflected in the listing of claims which begins on page 2.
Remarks/Arguments begin on page 10.